

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on June 20, 2002, and the references cited therewith.

No claims have been amended, canceled or added; as a result, claims 1-39 remain pending in this application.

§102 Rejection of the Claims

Claims 1-39 were rejected under 35 USC § 102(b) as being anticipated by Ardon (U.S. Patent No. 5,371,781). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *In re Dillon* 919 F.2d 688, 16 USPQ 2d 1897, 1908 (Fed. Cir. 1990) (en banc), cert. denied, 500 U.S. 904 (1991). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). Applicant respectfully traverses the rejection because Ardon does not teach each and every element of Applicant’s claims.

For example, claims 1 and 17 each recite “generating an alert when the data element crosses the threshold value.” Applicant has carefully reviewed Ardon, including performing a computerized text search, and can find no teaching or suggestion of any kind of threshold value. As a result, Ardon cannot teach or suggest generating an alert upon crossing a threshold, because thresholds are not used in Ardon. The Examiner is respectfully requested to withdraw the rejection of claims 1 and 17.

Claims 2-8 and 18-24 depend either directly or indirectly from claims 1 and 17 respectively. They are therefore not anticipated by Ardon for the reasons discussed above with respect to their base claims.

Additionally, claims 2, 3, 9, 18 and 19 each recite language related to subscribing to data, and applications that maintain the subscribed data. Applicant has carefully reviewed Ardon, and can find no reference to subscribing to data. At best, Ardon discloses subscribing to a telephone service. However, this is quite different from subscribing to data and applications that maintain data. Applicant respectfully requests the withdrawal of the rejection of claims 2, 3, 9, 18 and 19.

Claims 4 and 20 each recite setting the threshold value. As noted above, Ardon does not teach or suggest anything related to threshold values. Applicant respectfully requests the withdrawal of the rejection of claims 4 and 20.

Claims 8 and 24 each recite that "generating an alert comprises sending an email." Ardon makes no reference to e-mail, therefore Ardon does not teach that generating an alert comprises sending an e-mail. The Examiner is respectfully requested to withdraw the rejection of claims 8 and 24.

Claim 10 is allowable for the reasons discussed above regarding its base claim 9. In addition, claim 10 recites the use of personalized attributes. Ardon does not teach or suggest personalization of attributes. Applicant respectfully requests the withdrawal of the rejection of claim 10.

Claim 11 recites that "the set of personalized attributes include alerts triggered when a value crosses a threshold value in a positive or negative direction." As discussed above, Ardon does not teach or suggest anything related to threshold values. As result, Ardon does not teach or suggest generating an alert when a data value crosses a threshold in a negative or positive direction. The Examiner is respectfully requested to withdraw the rejection of claim 11.

Claim 12 recites both data subscription and generating an alert when the subscribed data crosses a threshold value. As discussed above, Ardon does not teach subscribing to data or anything related to threshold values. Applicant respectfully requests the withdrawal of the rejection of claim 12.

Claims 25-39 each depend from claim 1, and are therefore allowable for the reasons discussed above regarding claim 1. In addition, each of claims 25-39 recites particular types of data and conditions for generating alerts. Applicant has carefully reviewed Ardon, and can find no teaching of any of the type of data recited in claims 25-39, nor can Applicant find any teaching

or suggestion of the conditions for generating alerts recited in claims 25-39. Applicant respectfully requests the withdrawal of the rejection of claims 25-39.

For all of the above reasons, Ardon does not teach or suggest each and every element of Applicant's claims. Thus Ardon does not anticipate Applicant's claims. Applicant respectfully requests reconsideration of pending claims 1-39 and the withdrawal of the rejection of the pending claims.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCOTT BROOKS HEINTZMAN ET AL.

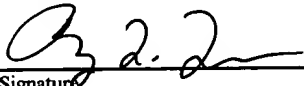
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6954

Date November 20, 2002 By 
Rodney L. Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 20th day of November, 2002.

Rodney L. Lacy
Name


Signature